GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Attachment of Properties – Authorization to Inspector of Police, Crime Investigation Department, Visakhapatnam to file an application before the Principal District and Sessions Judge Court, Visakhapatnam extending the duration of attachment of properties under section 3 r/w section 10 (a) of the Criminal Law Amendment Ordinance, 1944 (Ordinance No. XXXVIII of 1944) – Orders – Issued.

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HOME (SC.B) DEPARTMENT

G.O.Rt.No.1096 **Dated: 05.11.2024.**

Read the following:-

1. G.O.Rt.No.1314, Home (SC.B) Department, dated 6.6.1997.
2. G.O.Rt.No.964, Home (SC-B) Department, dated 18.10.2021.
3. Orders in IA No.1073/2021 in OP No.1222/97, dated.01.11.2021 of Principal District & Sessions Judge Court, Visakhapatnam.
4. From Addl. DG, CID, AP, Mangalagiri, Lr.No.1504/C1/C51/C21/ CID/1997,dated.27.10.2022.
5. G.O.Rt.No.1016, Home (SC-B) Department, dated 03.11.2022.
6. From Addl. DG, CID, AP, Mangalagiri, Lr.No.1504/C21/CID/1997, dated.18.10.2023.
7. G.O.Rt.No.1292, Home (SC-B) Department, dated 06.11.2023.
8. From Addl. DGP, CID, AP, Mangalagiri, Lr.No.1504/C21/CID/1997, dated.14.10.2024.

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O R D E R:

Whereas, the Government have issued orders in the G.O 1st read above, authorizing the Deputy Superintendent of Police, Crime Investigation Department, to file petition before the District Judge, Visakhapatnam, for attachment of properties (Fixed Deposits worth Rupees One Crore, mentioned in the Annexure) annexed to the said G.O., under the provisions of section 3 of the Criminal Law Amendment Ordinance, 1944 (Ordinance No. XXXVIII of 1944);

2. And whereas, the Addl. Director General of Police, CID, AP in the reference 8th read above he has informed that the CID has registered the case in Cr. No. 10/97 u/s 120-B, 468, 471, 420 & 409 IPC of CID PS Hyderabad, wherein Government i.e. Social Welfare Department released funds of Rs.10,78,585/-and Rs.90,90,841/-on the names of Malla Appa Rao and Malla Ramu Naidu, in OP No. 21/1987 on the file of Subordinate Judge's Court, Anakapalli towards compensation for the lands acquired by the Government. The accused Peela Pothinaidu and his brother Peela Gangadhar criminally conspired with Court staff and obtained cheques from the said court by illegal means, opened accounts on the names of above two persons in Vysya Bank, Aripaka Branch and subsequently got the amounts transferred into the account of Peela Gangadhar. Out of the said amounts, an amount of Rs.1 Crore mentioned in the GO Rt.No.1314,Home (SC.B) Dept., dt:06.06.1997

(P.T.O.)

was identified in Kotak Mahendra Bank Ltd., (ING Vysya Bank Ltd)., Anakapalli Branch in the shape of FDRs (20 FDRs, each 5,00,000/-) and the said amount is under attachment since 17-02-1998 as per the provisions u/s 3 r/w 10(a) of Criminal Law Amendment Ordinance of 1944 by safeguarding the properties acquired illegally by the accused with the Government money. The said attachment is being extended time to time till date, till the finalization of Criminal proceedings against the accused.

3. And whereas, the Principal District & Sessions Judge Court, Visakhapatnam was pleased to pass ad-interim orders on 02-07-1997 in respect of the scheduled properties and the said ad-interim orders of attachment was made absolute on 17-02-1998 after due enquiry into the matter, and the said orders of attachment are being extended from time to time as per the G.O.Rt.No.1016 of Home (SC-B) Department, dated:03-11-2022 of Government of AP, Velagapudi. The said attachment is in force till 31-10-2022 as per the orders of Principal District & Sessions Judge, Visakhapatnam vide Orders in IA No.1579/2022 in OP No.1222/97 dt.14-12-2022 of Principal District & Sessions Judge Court, Visakhapatnam and the same was passed on submitting petition, affidavit and G.O.Rt.No.1016 of Home (SC-B) Department, dated:03-11-2022.

4. Since the CID has jurisdiction only to the extent of investigation, as some of the offences attract the provisions under Sec.195 (i) (b) (ii) (iii) of Cr.P.C., the department submitted an investigation Report on 13.06.1997 to the High Court seeking instructions. Basing on this Report, the High Court issued directions first to the District Judge, Visakhapatnam to conduct enquiry u/s 340 Cr.P.C. into the irregularities that were committed in the land acquisition O.Ps. on the file of Sub Judge Courts at Anakapalli and Chodavaram and to file complaint/complaints before the competent Court of law. The Principal District & Sessions Judge, Visakhapatnam conducted enquiry in the said matters including O.P 21/87 (concerned in Cr No.10/1997 of CID P.S.) on the file of Sub Court and land acquisition Tribunal, Anakapalli and filed complaint vide C.C No. 2/1999 on the file of Chief Judicial Magistrate Cum III Addl. Dist. Judge, Visakhapatnam.

5. Later in response to challenging the competency of District Judge in conducting enquiry u/s 340 Cr.P.C. with matters related to land acquisition and filing of complaint in CC.No.2/1999, by the accused V. Sharma Rao, Peela Pothinaidu and others in appeals vide Crl. A. Nos. 587, 907, 971 of 1999 in the Hon'ble High Court of AP, the Division Bench of Hon'ble High Court of AP was pleased to allow the appeals vide common order dt.27-09-2002. The State of AP preferred SLP in the Supreme Court against the said common order of Hon'ble High Court of AP vide SLP Nos.2181-2211/2004. The SLPs were disposed off on 10-11-2006 upholding the orders of High Court dt.27-09-2002 and suggested the Hon'ble High Court of AP to consider the desirability of implementing the decision of the Division Bench as expeditiously as possible.

6. The Hon'ble High Court of A.P. was pleased to pass orders dt.5-10-2007 directing the Principal Junior Civil Judge, Anakapalli to file complaints before Addl. Judicial First Class Magistrate, Anakapalli. In the meanwhile, the accused Peela Pothinaidu and others obtained Stay Orders on the Court

(Contid….3)

Proceedings on the 15 CCs (Cr No-327/1996 of Anakapalli (T) P.S. Yeleru Scam case) from the High Court of AP vide Crl. P Nos.5981 to 5988/2010, 5976 to 5978/2010, 8636 to 8643/2010 and 8652/2010 on the grounds that a Principal Junior Civil Judge is not competent to conduct enquiry and to file complaints for the offences occurred in the Court of Senior Civil Judge. Due to this, the Prl. Junior Civil Judge, Anakapalli who was supposed to conduct enquiry u/s 340 Cr.P.C. and file complaint in O.P.No.21/87 connected to this case (Cr No.10/1997) remained without any progress.

7. Mean while, the CID has filed five petitions in October, 2012 in the Hon'ble High Court AP. Hyderabad vide Crl**.** P. Nos. 3422, 3423, 3424, 3425 and 3426 of 2012 orders/clarifications on following aspects. 1) To direct the Senior Civil Judges of Anakapalle and Chodavaram to file complaints before the respective courts instead of Principal Junior Civil Judge, 2) To direct the District Judge, Visakhapatnam to constitute special cells with sufficient Ministerial staff at Chodavaram and Anakapalli sub-courts, 3) To permit the CID to file charge sheets against all the accused, 4) To direct the Government to constitute a Special Court at Visakhapatnam to conduct trial of Yeleru scam cases exclusively for giving a logical end, 5) To issue directions to transfer all the cases so filed and numbered to the special court/CID designated court at Visakhapatnam for speedy disposal. The Hon'ble High Court referred the Crl. Petitions filed by the accused in Cr. No.327/1996 and above Crl. Petitions filed by the CID in October, 2012 to a Division Bench for final hearing and in obedience to the orders of Division Bench for bunch of Cr.M.P.Nos.5658, 5667, 5976, 5977, 5978, 5981 to 5988,6498,6868, 6869, 8636, 8638 to 8643, 8646, 8652 & 8660 of 2010 & Cr.M.P Nos. 3422 to 3426 of 2012, on 20-9-2019. The Hon'ble Court of the XI Metropolitan Magistrate – cum-I Addl. Junior Civil Judge, Anakapalli quashed the proceedings in CC No.315/2010 with directions to presiding officers of reference court cum Senior Civil Judges concerned at Chodavaram and Anakapalli are directed to reopen all the cheque applications related to the subject land acquisition O.Ps. on the file of said courts and issue notices to the claimants, the state, advocates for claimants therein, advocates for the state at the relevant time, advocates who attested the affidavits and vakalaths purportedly signed by the cheque petitioners and other necessary persons concerned and conduct a preliminary enquiry in each of such matter and arrive at a necessary factual findings as envisaged u/s 340 of Cr.P.C., if necessary, lodge a complaint before the court of competent Jurisdictional Judicial Magistrate of First Class by following procedure established by law. The proceedings are under progress.

8. And whereas the circumstances mentioned above, the CID has been safeguarding the movable properties attached by them vide G.O.Rt.No.1314, Home (SC.B) Department, dated 06-06-1997 of Government of AP by invoking the provisions of Sce.3 r/w 10 (a) of Criminal Law Amendment Ordinance, 1944 till the finalization of Criminal Proceedings. Unless an application is moved to get the attachment orders continued till the fresh complaint/complaints are filed relating to the said OP 21/87, the very purpose of getting attachment orders which are inforce till 31-10-2023 will be defeated. As such, a fresh GO is necessary, authorizing the Investigation Officer, i.e. Inspector of Police,

(Contid…4)

CID,Regional Office, Visakhapatnam to file an application under Sec.3(1) of Crl. Law Amendment Ordinance, 1944 before the Hon'ble District Judge, Visakhapatnam seeking extension of the attachment orders which is in force till 31-10-2024 for a further period of 1 year from 01-11-2024 to till the competent Court takes cognizance/final report is filed on the alleged offences of Sec.10 (a) of Crl. Law Amendment Ordinance 1944.

9. And whereas, the Additional Director General of Police, CID, AP has requested the Government of Andhra Pradesh to issue an order authorizing the Investigation Officer, i.e. Inspector of Police, CID. Regional Office, Visakhapatnam to file an application before the Principal District & Sessions Judge, Visakhapatnam seeking extension of attachment in respect of properties annexed to the main GO i.e., G.O. Rt. No.1314, Home (SC.B) Department, dated 06-06-1997 available in the Kotak Mahindra Bank Limited, (ING Vysya Bank Limited) Anakapalli branch for a further period of one (1) year from 01-11-2024 to 31.10.2025 or till the competent courts takes cognizance of the alleged scheduled offences, in the interest of justice.

10. Now, therefore, the Government after careful examination of the matter here by authorize the Investigating Officer, i.e., Inspector of Police, Crime Investigation Department, Regional Office, Visakhapatnam, under section 3 and section 10(a)(b) of the Criminal Law Amendment Ordinance, 1944 (Central Ordinance No.XXXVIII of 1944), for extending the duration of attachment in respect of the aforesaid properties (fixed deposits) in land acquisition original petition No.21/1987 in Crime Number 10/97, for a further period of one (1) year i.e., from 01.11.2024 to 31.10.2025 or till the competent courts takes cognizance of the alleged scheduled offences.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KUMAR VISHWAJEET
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Additional Director General of Police,
Crime Investigation Department, Andhra Pradesh, Mangalagiri.

Copy to::
The Additional Superintendent of Police, Crime Investigation Department, Regional Office, Visakhapatnam.
The Law (E) Department, A.P. Secretariat.
The OSD to Hon'ble Minister (Home), Andhra Pradesh.
The P.S. to Principal Secretary to Government,
Home Department, A.P. Secretariat
sc / sf

// FORWARDED :: BY ORDER //

SECTION OFFICER (SC)